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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/890,113      | 01/07/2002  | Ulrich Braun         | VOSS1170            | 5907             |

7590 06/12/2003

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EXAMINER

FETSUGA, ROBERT M

ART UNIT PAPER NUMBER

3751

DATE MAILED: 06/12/2003

/0

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/890,113

Applicant(s)

BRAUN, ULRICH

Examiner

Robert M. Fetsuga

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 April 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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1. The drawings are objected to because cross-hatching is apparently missing from Figs. 1 and 2, the legends for Figs. 2A, 2B, 2C, 2D and 3B are missing, reference numerals "2", "3" and "4" denote different elements between Figs. 2 and 3, and reference numeral "6" denotes different elements between Figs. 1 and 3. Correction is required.

Applicant is required to submit a proposed drawing correction in response to this Office action. Any proposal by applicant for amendment of the drawings to cure defects must consist of two parts:

a) A separate letter to the draftsman in accordance with MPEP 608.02(r); and

b) A print or pen-and-ink sketch showing changes in red ink in accordance with MPEP 608.02(v).

IMPORTANT NOTE: The filing of new formal drawings to correct the noted defect may be deferred until the application is allowed by the examiner, but the print or pen-and-ink sketch with proposed corrections shown in red ink is required in response to this Office action, and may not be deferred.

Applicant argues at page 7 of the response filed April 29, 2003 formal drawings have been submitted which correct the cross-hatching defect. However, no proper drawing correction

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has been submitted (note paragraphs a) and b) supra), and formal drawings have not been required by the examiner.

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Proper antecedent basis for the "device" set forth in claims 1, 11 and 19, "feature" set forth in claims 2, 12 and 20, "partition wall" set forth in claims 3 and 13, the subject matter set forth in claims 4, 7, 8, 14 and 17, the "method" set forth in claims 9 and 10, and the "water-free" limitation set forth in claim 18, could not be found in the specification. Applicant is reminded claim terminology in mechanical cases should appear in the descriptive portion of the specification by reference to the drawing(s).

Applicant argues at page 8 of the response the skilled artisan would understand the terms. The examiner does not necessarily disagree, however, the terms are not properly defined in the specification.

3. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

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The invention referred to in the claims is insufficiently disclosed to enable one skilled in the art to understand the structure of, and cooperation between, the elements which comprise same. For example, how cover C functions to control a urine outlet is neither taught by the instant disclosure nor evident to the examiner. The cover appears to seal blocking-hole 12 in both positions thereof via seal B and plug 11. Applicant argues at page 10 of the response when cover C is lifted, seal B does not seal the blocking-hole 12. The examiner agrees, however, when the cover C is so lifted, it would appear blocking-plug 11 would seal the blocking-hole 12 by the plug snapping into the hole.

Claims 1, 11 and 19 recite, in part, a "urine separating toilet... for separately collecting and draining faeces and urine". Implementation of this subject matter is neither taught by the instant disclosure nor evident to the examiner. No ability to separate urine and feces has been disclosed. In fact, Fig. 1 illustrates the urine siphon 6 and faecal siphon 1 in communication with the same toilet bowl. Note also claims 3 and 13.

Claims 1 and 11 recite, in part, "a device for flushing the entire toilet bowl". Implementation of this subject matter is

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neither taught by the instant disclosure nor evident to the examiner. Claim 9 recites similar subject matter.

Claim 7 recites, in part, "the faecal outlet is designed as a vacuum drain." Implementation of this subject matter is neither taught by the instant disclosure nor evident to the examiner. Claim 19 recites similar subject matter.

Claim 18 recites, in part, "the urine outlet is operated water-free." Implementation of this subject matter is neither taught by the instant disclosure nor evident to the examiner. It is noted claim 1 recites a "device for flushing".

Applicant argues at pages 9-10 of the response "the claims of a patent application are presumptively enabled when the application is filed." The examiner is not aware of such a sweeping benefit accorded patent applications. As understood by the examiner, a patent disclosure must teach one skilled in the art how to make and/or use an invention in order to comply with the first paragraph of 112. In the examiner's opinion, one skilled in the art could not make and/or use the instant invention due to lack of disclosure concerning the structure and operation thereof. On the other hand, if the structure and operation of the instant invention was well known to the skilled artisan, as argued by applicant, it would appear some form of

evidence would be available to indicate such. The examiner uncovered no such evidence.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Geeham and Wilhelm references disclose various devices having features in common with the instant invention.

5. Applicant's remarks have been fully considered and have been previously addressed.

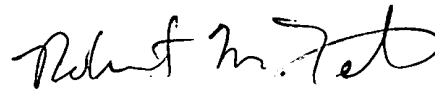
6. The grounds of rejection have been reconsidered in light of applicant's arguments, but are still deemed to be proper.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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7. Any inquiry concerning this communication should be directed to Robert M. Fetsuga at telephone number 703/308-1506 who can be most easily reached Monday through Thursday.

A handwritten signature in black ink, appearing to read "Robert M. Fetsuga". The signature is fluid and cursive, with the first name "Robert" and last name "Fetsuga" clearly distinguishable.

Robert M. Fetsuga  
Primary Examiner  
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